

# HOUSE . . . . . No. 1319

By Mr. Marzilli of Arlington, petition of Byron Rushing and others for legislation to prohibit the sale of recreational vehicles powered by two stroke engines. Environment, Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

### PETITION OF:

Byron Rushing                      Anne M. Paulsen  
Douglas W. Petersen

In the Year Two Thousand and Five.

AN ACT TO PROHIBIT THE SALE OF RECREATIONAL VEHICLES CONTAINING TWO STROKE ENGINES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1     SECTION 1. Chapter 90B of the General Laws is hereby
- 2     amended by inserting after section 24 the following section:—
- 3     Section 24A. (a) After June 1, 2006, a person shall not sell, in
- 4     Massachusetts, a recreational vehicle containing a two stroke
- 5     engine, including, but not limited to, a snow craft, an all-terrain
- 6     vehicle, a personal watercraft, or a motorboat.
- 7     (b) A person may resell a recreational vehicle containing a two
- 8     stroke engine if the vehicle was manufactured prior to the enact-
- 9     ment of this section, and the seller purchased the vehicle for use
- 10    in a personal or employment capacity, and not for the purpose of
- 11    reselling the vehicle.
- 12    (c) For purposes of this section the following words shall have
- 13    the following meanings:
- 14    (1) “Motorboat”, a vehicle propelled or designed to be pro-
- 15    pelled by machinery, whether or not the machinery is permanently
- 16    affixed or is the principle source of propulsion.

17 (2) “Recreational vehicle”, a motor vehicle designed or modi-  
18 fied for use over unimproved terrain if used for recreation or plea-  
19 sure off a public way, as defined by chapter 90, and all legally  
20 registered motor vehicles when used off a public way. A vehicle  
21 used for agriculture, forestry, lumbering or construction is  
22 excluded from this definition when used for that purpose; however  
23 in a complaint brought under this section, the defendant shall bear  
24 the burden of proving the excluded use.

25 (3) “Snow vehicle”, a motor vehicle designed to travel over ice  
26 or snow, driven by a track or tracks in contact with the ice or snow  
27 and steered by a ski or skis in contact with the ice or snow.

28 (4) “Personal watercraft”, a vessel propelled by a water jet  
29 pump or other machinery as its primary source of motor propul-  
30 sion, designed to be operated by a person sitting, standing or  
31 kneeling on the vessel rather than being operated in the conven-  
32 tional manner by a person sitting or standing inside the vessel. A  
33 personal watercraft includes, but is not limited to, a jet ski, wet  
34 bike, or surf jet, each as defined in section 1 of this chapter.